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5 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**  
6 **OF THE STATE OF WASHINGTON**  
7

8 IN RE COMPLIANCE ) PDC CASE NO: #04-419  
9 WITH RCW 42.17 )  
10 C. Foster Rose ) **FINAL ORDER IMPOSING FINE**  
11 \_\_\_\_\_ Respondent. )

12 **INTRODUCTION**  
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14 The Washington State Public Disclosure Commission (Commission) conducted an  
15 enforcement hearing (adjudicative proceeding) under chapters 34.05 and 42.17 RCW and  
16 chapter 390-37 WAC on May 26, 2004 with respect to the above-captioned matter. The  
17 Commission convened the hearing at the Evergreen Plaza Building, Room 206, 711 Capitol  
18 Way South, in Olympia, Washington. The Staff appeared through Philip E. Stutzman,  
19 Director of Compliance. The Respondent appeared and addressed the Commission.  
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21 The Commission was provided a copy of the Report of Investigation dated May 10,  
22 2004, the Notice of Administrative Charges dated May 13, 2004, and a Stipulation of Facts  
23 and Violations of the parties dated May 26, 2004. The Stipulation of Facts and Violations  
24 is attached, and incorporated by reference into this Order.

25 After due consideration of the Notice of Administrative Charges, the Stipulation of  
26 Facts and Violations, and oral argument by Staff and the Respondent, the Commission

1 accepted the Stipulation. The Commission therefore makes the following findings and  
2 enters the following order.

### 3 FINDINGS

4 Based upon the stipulated facts and violations in the Stipulation, the Commission  
5 enters the following findings.  
6

7 1. The Commission finds that the Respondent committed two violations of  
8 RCW 42.17.770 by soliciting from two candidates the paid position of deputy mayor of the  
9 City of Bellingham, as a condition of his endorsement.

### 10 ORDER

11 The Commission orders as follows:

- 12 1. That the Stipulation of Facts and Violations is accepted;  
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14 2. That a total civil penalty of \$2,500 is assessed against the Respondent.  
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16 3. That \$2,000 of the penalty is suspended on the condition that the Respondent commits  
17 no further violations of RCW 42.17 for a period of four years from the date of this order  
as determined by the Full Commission.

### 18 RECONSIDERATION OF FINAL ORDER - COMMISSION

19 Any party may ask the Commission to reconsider this final order. Parties must  
20 place their requests for reconsideration in writing, include the specific grounds or reasons  
21 for the request, and deliver the request to the Public Disclosure Commission Office within  
22 **Twenty-One (21) business days** of the date that the Commission serves this order upon the  
23 party. Grounds for reconsideration shall be limited to:  
24

- 25 a) A request for review was deemed denied in accordance with WAC 390-37-144(4);  
26

1 b) New facts or legal authorities that could not have been brought to the commission's  
2 attention with reasonable diligence. If errors of fact are alleged, the requester must  
3 identify the specific evidence in the prior proceeding on which the requester is  
4 relying. If errors of law are alleged, the requester must identify the specific citation;  
5 or  
6

7 c) Significant typographical or ministerial errors in the order.

8 Pursuant to RCW 34.05.470, the Public Disclosure Commission is deemed to have  
9 denied the petition for reconsideration if, within twenty (20) business days from the date  
10 the petition is filed, the Commission does not either dispose of the petition or serve the  
11 parties with written notice specifying the date by which it will act on the petition.  
12 Pursuant to RCW 34.05.470, the Respondent is not required to ask the Public  
13 Disclosure Commission to reconsider the final order before seeking judicial review by a  
14 superior court.  
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16 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

17 Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure  
18 Commission is subject to judicial review under the Administrative Procedures Act, chapter  
19 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW  
20 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston  
21 County or the petitioner's county of residence or principal place of business. The petition  
22 for judicial review must be served on the Public Disclosure Commission and any other  
23 parties within **30 days** of the date that the Public Disclosure Commission serves this final  
24 order on the parties.  
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1 If reconsideration is properly sought, the petition for judicial review must be served  
2 on the Public Disclosure Commission and any other parties within thirty (30) days after the  
3 Commission acts on the petition for reconsideration.

4 **ENFORCEMENT OF FINAL ORDERS**

5 The Commission will seek to enforce this final order in superior court under RCW  
6 42.17.395-.397, and recover legal costs and attorney's fees, if the penalty remains unpaid  
7 and no petition for judicial review has been filed under chapter 34.05 RCW. This action  
8 will be taken without further order by the Commission.  
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11 DATED THIS 10<sup>th</sup> day of June, 2004.

12  
13 FOR THE COMMISSION:

14 /s/

15 \_\_\_\_\_  
16 VICKI RIPPIE, Executive Director

17 *Attachment:* Stipulation of Facts and Violations Dated May 26, 2004

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19 *MAILING DATE OF THIS ORDER:*  
20 6/10/04  
21 \_\_\_\_\_